

## **REMARKS**

The foregoing amendments and the following remarks are made in response to the Non-Final Office Action (hereinafter "the Action") dated September 29, 2005. The above-identified patent application was filed February 5, 2004 with claims 1-25. A restriction requirement was issued in which the Examiner identified a plurality of inventions. Claims 1-11 were elected, and claims 12-25 were withdrawn.

Claims 1-25 were pending in the patent application. Claims 1-11 were elected and claims 12-25 have been withdrawn. Claims 1-11 have been amended to be distinguishable from the cited references. Claims 26-39 have been added. In view of the arguments set forth below, claims 1-11 and 26-39 are allowable, and the Examiner is respectfully requested to withdraw the rejections and issue a Notice of Allowance.

### **I. OBJECTIONS TO THE SPECIFICATION**

The Examiner objected to the specification, and in particular, page 1, line 8 after the phrase "Office of", the Examiner suggest that "Navel" be changed to "Naval." Appropriate correction has been made, as noted above. The Examiner also requested correction regarding the recitation of claim 6 directed to "at least one conductor." Claim 6 has been amended and no longer includes the objected to phrase. Thus, the Examiner is respectfully requested to withdraw the rejection.

## **II. DRAWINGS**

The Examiner objected to the drawings under 37 CFR 1.83(a). In particular, the Examiner stated that the drawings must show every feature of the invention specified in the claims. The Examiner stated that the cylinder set forth in claim 2 and the conductor set forth in claim 6 must be removed from the claims.

As previously mentioned, claim 6 has been amended to remove reference to the conductor. As regarding claim 2, Figure 1A discloses a configuration of the invention in which the components of the mooring system, particularly, the anchor 110, the mooring module 170, and the buoy 140 are positioned to be contained within a chamber or tube. Claim 2 has been amended to state, in relevant part, the anchor, mooring module, and buoy "are capable of being contained within a cylinder." Figure 1A clearly shows that these components may be aligned with each such that the elements may be contained within a container. For at least this reason, the Examiner is respectfully requested to withdraw the rejection and issue a Notice of Allowance.

## **III. CLAIM OBJECTIONS**

The Examiner rejected claims 1-11 because of usage of the informal phrase "air-brake/anchor." The claims have been amended to remove this phrase from the claims and replace it with the term "anchor." Thus, the Examiner is respectfully requested to withdraw the rejection.

The Examiner also rejected claim 2 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner stated that claim 2 states that the anchor, the mooring module, and the buoy are deployed from a cylinder. The Examiner also stated that the specification does not provide any specific description of a mechanism that would effect deployment of these components from a cylinder. The Examiner concluded that the disclosure of the invention would not enable one skilled in the art to make or use the invention.

Paragraph numbered 0034 of the specification discusses the invention and the ability of the components to be placed into a standard deployment chamber such as an A-size deployment chamber. In addition, the specification states that the "combination air brake/anchor, mooring system, and buoy packaged in a system . . . may be designed to conform to the "A-sized" buoy cylinder military standard, and is capable of deployment via air, water or land and/or autonomous mooring." The components may be delivered according to standard delivery procedures using an A-size deployment chamber that is commonly known to one of ordinary skill in the art, as set forth in paragraph 0034 and elsewhere in the specification. Thus, for at least this reason, the Examiner is respectfully requested to withdraw the rejection.

The Examiner also rejected claim 6 and, in particular, the phrase "at least one conductor." As previously set forth, claim 6 has been amended to remove this phrase. Thus, the Examiner is respectfully requested to withdraw the rejection.

#### **IV. REJECTION OF CLAIMS 1-5 AND 7-11 UNDER 35 U.S.C. §102(a)**

The Examiner rejected claims 1-5 and 7-11 as being anticipated by an IEEE 2002 publication by Driscoll, Venezia, Curic, and Patelakis. As shown in the attached affidavit submitted under 37 CFR 1.131, inventor Driscoll states that the invention was conceived before the IEEE publication. In addition, the invention was diligently pursued until the patent application was filed. Thus, the rejection under 35 U.S.C. §102(a) has been traversed and the IEEE publication may not be asserted under 35 U.S.C. §102(a) to anticipate claims 1-5 and 7-11. Therefore, the Examiner is respectfully requested to withdraw the rejection.

#### **V. REJECTION OF CLAIMS 1, 5 AND 7-9 UNDER 35 U.S.C. § 102(b)**

The Examiner rejected claims 1, 5 and 7-9 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 3,291,092 to *Halberg et al.* The Examiner stated that *Halberg et al.* discloses an autonomous mooring device comprising a combination of a brake and an anchor. The Examiner stated that the combination has a parachute, identified as numeral 97 in figure 8, that is attached to a plurality of mooring arms. The Examiner also stated that if the device of *Halberg et al.* were to be dropped from the sky, the mooring arms would operate as air brakes, commonly known as rotochutes.

Claim 1 has been amended to state, in relevant part, "an anchor comprising a plurality of mooring arms rotatably coupled to a body of the anchor and biased to extend radially

outward from the payload container upon deployment from a deployment chamber above a bottom" and "wherein the autonomous is separated from the deployment chamber upon deployment." The claimed configuration is designed to protect payload, such as sensors and other items set forth in the specification. Thus, the claimed invention facilitates dropping a payload from an airplane without damage. In contrast, the device disclosed in *Halberg et al.* is configured such that when the device is deployed into a water body, the anchor remains concealed in a deployment chamber. In fact, the deployment chamber of *Halberg et al.* is designed such that the rate of decent is not inhibited. Rather, *Halberg et al.* states at column 4, lines 73-74, that "it is desirable that a descent velocity of at least 5 feet per second be achieved, and the present invention makes this readily possible" (emphasis added). *Halberg et al.* also states at column 6, lines 72-74, that "the construction is such as to minimize the buoyancy which would occur if air could become trapped in the device."

*Halberg et al.* discloses a mooring apparatus, which upon contact with a bottom surface, drives an anchor from a deployment chamber into the bottom with an explosive. The anchor includes a plurality of flukes that extend from the anchor body. *Halberg et al.* does not disclose a mooring apparatus configured such that the mooring arms of the anchor deploy upon deployment of the mooring device above the bottom. In fact, *Halberg et al.* teaches away from such a device. Instead, *Halberg et al.* discloses that the device is configured for a fast sink rate. Thus, for at least this reason, claim 1 is allowable, and the Examiner is respectfully requested to withdraw the rejection.

## **VI. NEW CLAIMS**

New claims 26 through 39 have been added. Claims 26-28 depend from allowable amended claim 1 and are thus allowable. Independent claim 29 includes at least all of the limitations of amended claim 1 and is therefore patentable for all of the reasons set forth for claim 1. Claims 30-39 depend from claim 1 and are thus allowable.

## **VII. PETITION FOR ONE MONTH EXTENSION OF TIME**

This is a Petition for a One Month Extension of Time pursuant to 37 CFR § 1.136. Please charge the fee in the amount of \$60.00 for a one (1) month extension of time pursuant to 37 CFR § 1.17(a)(1) and charge any underpayment or credit any overpayment to Deposit Account No. 50-0951. A duplicate copy of this communication is enclosed.

### CONCLUSION

For at least the reasons given above, claims 1-11 and 26-39 define patentable subject matter and are thus allowable. Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

No fees, in addition to the extension of time, are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Respectfully submitted,



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Attorney Docket No.: 6818-64